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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,994	11/17/2003	Brian G. Morin	5150A	2284

7590 07/12/2006

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EXAMINER
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JUSKA, CHERYL ANN

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/714,994

Applicant(s)

MORIN ET AL.

Examiner

Cheryl Juska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-35 is/are pending in the application.
- 4a) Of the above claim(s) 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-19 and 27-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed April 27, 2006 has been entered. New claims 27-35 have been added. Claims 1-8 are cancelled. Thus, the pending claims are 9-35 with claims 20-26 being withdrawn as non-elected.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27-35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 27-35 are indefinite for limiting the cross-sectional shape of the stiff loop *yarns*. It is unclear if applicant intends the shapes to be descriptive of the filaments of the stiff loop yarn, as recited in claims 14-18, or to be descriptive of the yarn itself. Note new claims 27-35 do not limit the stiff loop yarns to being monofilaments.

5. Claim 29 is indefinite because it is unclear if applicant intends to limit the claim to the embodiment of Figure 1 or Figure 2. Specifically, it is unclear if applicant intends a receiving loop to originate and return at one location and a stiff loop to originate and return at the same location as the receiving loop (i.e., Figure 1) or at a different location adjacent to the receiving loop (i.e., Figure 2). If applicant intends to encompass Figure 1 with the claim language, it is

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noted that the use of the phrase “at about the same location” renders the claim vague in that “about” broadens the “location” to points nearby, including adjacent loops as in Figure 2. For the purposes of examination, claim 29 is interpreted as including the embodiments of both Figures 1 and 2.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 9-14 and 19 stand rejected under 35 USC 103(a) as being unpatentable over US 5,804,274 issued to Nordin as set forth in section 3 of the last Office Action.
8. Claims 15-18 stand rejected under 35 USC 103(a) as being unpatentable over US 5,804,274 issued to Nordin in view of JP 2000-279210 issued to Yamazaki as set forth in section 4 of the last Office Action.
9. Claims 27 and 28 are rejected under 35 USC 103(a) as being unpatentable over US 5,804,274 issued to Nordin in view of JP 2000-279210 issued to Yamazaki.

New claim 27 is a combination of the limitations of claims 9, 15, 16, and 17, while new claim 28 is a combination of the limitations of claims 9 and 18. Since claims 15-18 were previously rejected over Nordin in view of Yamazaki, new claims 27 and 28 are also rejected over the cited art for reasons analogous to those presented in the rejection of claims 15-18. It is further argued that the claims are obvious over the cited prior art in that the recited cross-sectional shapes, including slit films, are obvious variants of each other. In particular, it would have been obvious to change the cross-sectional shape since such a modification would have

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involved a mere change in the shape of the filament. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47. Therefore, claims 27 and 28 are also rejected.

10. Claim 29 is rejected under 35 USC 103(a) as being unpatentable over US 5,804,274 issued to Nordin.

New claim 29 contains the limitations of claim 9 plus the new limitation “wherein receiving loops and the stiff loops originate at about the same location on the first side of the base substrate and return to the first side of the base substrate at about the same location.” As noted above, said new limitation can be interpreted as the embodiment shown in Figure 2 of the specification. Note the loop structure of Figure 2 is equivalent to that disclosed by Nordin in Figure 1. Therefore, claim 29 is also rejected for reasons analogous to those presented in the rejection of claim 9.

11. Claims 30-35 are rejected under 35 USC 103(a) as being unpatentable over US 5,804,274 issued to Nordin in view of JP 2000-279210 issued to Yamazaki.

New claims 30-35 limit the cross-sectional shape of the stiff loop yarns of claims 29 and 9. Hence, said claims are rejected for reasons analogous to those presented in the rejections of claims 15-18, 27, and 28. To reiterate, a change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47. Therefore, claims 30-35 are also rejected.

*Response to Arguments*

12. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive. Applicant has not amended claims 9-19 in an attempt to overcome the prior art rejections, but rather merely traverses said rejections by arguing (a) the terms "stiffness" and "coarseness" are not inherently the same and (b) the Yamazaki reference is non-analogous art.

13. Applicant's former argument is with respect to the statement in the last Office Action that "since the long loop filaments [of Nordin] are coarser than the short loop filaments, said long loops will inherently be stiffer than said short loops." It appears applicant has missed the examiner's point. Nordin's long loop filaments have a fiber fineness substantially above 1 dtex, while the short loop filaments have a fiber fineness of less than 1 dtex. In other words, the long loop filaments are "coarser" with respect to fiber fineness or diameter than the short loop filaments. Hence, the use of the term "coarse" is not descriptive of a rough surface texture of the filament itself, but rather the term is employed as a description of a relative fiber fineness. It cannot be disputed that Nordin teaches long loop filaments having a fiber fineness greater than the fineness of the short loop filaments. All other variables being equal, a filament having a relatively coarse fiber size is inherently more rigid or stiff than a like filament having a relatively finer fiber size. Note the definitions of "coarse thread" and "stiffness" in the *Complete Textile Glossary*. Therefore, applicant's argument is found unpersuasive.

14. Regarding the latter argument that the Yamazaki reference is non-analogous art, it is asserted said reference is properly combinable with the Nordin reference. Specifically, both references are directed to loop fabrics and filaments suitable for construction of such looped

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fabric constructions. Therefore, it is asserted the Yamazaki reference is of the same field of endeavor.

15. Applicant also argues that Nordin teaches away from employing non-round fibers (Amendment, page 8, 1<sup>st</sup> paragraph). The examiner respectfully disagrees. The teaching of Nordin that applicant relies upon for said argument merely recites “the longer loops with their coarser fibers of more round shape have an appreciably lower friction against the support” (col. 3, lines 38-40). The reference also teaches the material, length, and proportion of the longer loops can be modified to optimize the frictional properties and brushing properties of the cleaning cloth. Hence, applicant’s argument is found unpersuasive.

### *Conclusion*

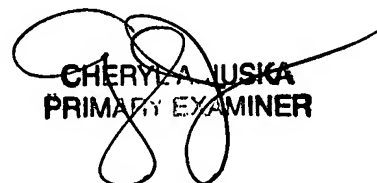
16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHERYL A. JUSKA  
PRIMARY EXAMINER

cj  
July 9, 2006